

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 10-54723-TJT

SANTOS ALFARO-REYES,

Chapter 7

Debtor.

HON. THOMAS J. TUCKER

_____/

DANIEL M. MCDERMOTT,
United States Trustee,

Plaintiff,

Adversary Case No.

vs.

SANTOS ALFARO-REYES,

Defendant.

_____/

COMPLAINT FOR DENIAL OF DISCHARGE
PURSUANT TO 11 U.S.C. § 727(a)(2) AND (4)

Daniel M. McDermott, United States Trustee, Complains of the Defendant as follows:

COMMON ALLEGATIONS

1. The Defendant, Santos Alfaro-Reyes, is an individual residing at 940 Stamford Ypsilanti, Michigan 48198.
2. The above-captioned Chapter 7 proceeding was commenced by the filing of a Voluntary Petition on May 2, 2010.
3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(J), over which this Court has jurisdiction pursuant to 28 U.S.C. § 1334.

4. The Plaintiff, Daniel M. McDermott, is the United States Trustee for this region, Region 9.

5. Debtor filed Schedules, a Statement of Financial Affairs, and other required documents that were signed and sworn under oath to be true.

6. Debtor's schedules of assets reveal personal property with an aggregate value of \$10,910.00, but no real property.

7. Debtor's schedules of liabilities reveal aggregate debt in the amount of \$211,439.00.

8. Debtor appeared at a First Meeting of Creditors where he was sworn under oath to give truthful testimony.

9. Debtor testified at her First Meeting that he owns real property in El Salvador, valued at approximately \$50,000, with no liens. The Debtor further testified that he did not want to sell the property.

10. Debtor's Schedules fail to reveal real property owned by the Debtor in El Salvador.

COUNT I
DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(2)

11. Plaintiff hereby incorporates and restates paragraphs 1 through 10 as if fully stated herein.

12. In accordance with 11 U.S.C. § 727(a)(2), the Court shall grant the Debtor a discharge unless—

the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed, or has permitted to be transferred, removed, destroyed, mutilated, or concealed—

(A) property of the debtor, within one year before the date of the filing of the petition; or

(B) property of the estate, after the date of the filing of the petition

13. The Debtor concealed his ownership of real property in El Salvador.

WHEREFORE, Plaintiff, Daniel M. McDermott, United States Trustee, respectfully requests that this Honorable Court deny the Debtor's discharge pursuant to 11 U.S.C. § 727(a)(2).

COUNT II
DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(4)

14. Plaintiff hereby incorporates and restates paragraphs 1 through 13 as if fully stated herein.

15. In accordance with 11 U.S.C. § 727(a)(4), the Court shall grant the Debtor a discharge unless—

the debtor knowingly and fraudulently, in or in connection with the case —

(A) made a false oath or account;

(B) presented or used a false claim;

(C) gave, offered, received, or attempted to obtain money, property, or advantage, or a promise of money, property, or advantage, for acting or forbearing to act; or

(D) withheld from an officer of the estate entitled to possession under this title, any recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs;

16. The Debtor failed to disclose in his schedules and statement of financial affairs, his ownership interest in real property.

WHEREFORE, Plaintiff, Daniel M. McDermott, United States Trustee, respectfully requests that this Honorable Court deny the Debtor's discharge pursuant to 11 U.S.C. § 727(a)(4).

Respectfully submitted,

DANIEL M. McDERMOTT
UNITED STATES TRUSTEE
Region 9

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Dated: July 23, 2010